

On Compulsory Treatment of Persons with Alcoholism, Drug Addiction and Substance Abuse

Unofficial translation

The Law of the Republic of Kazakhstan dated 7 April 1995 No. 2184. Abolished by the Code of the Republic of Kazakhstan dated 07.07.2020 No. 360-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

Footnote. Abolished by the Code of the Republic of Kazakhstan dated 07.07.2020 No. 360-VI (shall be enforced upon expiry of ten calendar days after the day of its first official publication) .

Footnote. The form of act and title is in the wording; the preamble is excluded; in the text the word “Decree” is substituted respectively by the word “Law” by the Law of the Republic of Kazakhstan dated 20.12.2004 No. 13.

Footnote. Throughout all the text: the words “specialized medical preventive institutions”, “specialized medical preventive institution” are substituted respectively by the words “drug abuse organizations for compulsory treatment”, “drug abuse organization for compulsory treatment” ;

the words “drug abuse institutions”, “drug abuse institutions” are substituted respectively by the words “drug abuse organization”, “drug abuse organizations” by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 1. Social danger of alcoholism, drug addiction and substance abuse, their treatment

Alcoholism, drug addiction and substance abuse are the diseases harming health of citizens, genofond of the country and encourage crime

Persons with alcoholism, drug addiction and substance abuse avoiding from voluntary treatment shall be subject to compulsory in-patient treatment in drug abuse organizations for compulsory treatment of public health system with engagement to labour for all the period of medical treatment.

Referral to compulsory treatment in drug abuse organizations of public health system shall not entail record conviction.

Article 1-1. Drug abuse organization for compulsory treatment

Drug abuse organization for compulsory treatment – a medical public health organization, the main task of which is the treatment of persons in respect of which the court applied compulsory measures of medical nature.

Organization of protection of drug abuse organization for compulsory treatment shall be imposed on administration of organization and be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of security guard activities.

Footnote. The Law is supplemented by Article 1-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 2. Legal status of diseased persons referred to compulsory treatment

Persons with alcoholism, drug addiction and substance abuse upon referral to compulsory treatment and its undergoing shall enjoy the rights of citizens of the Republic of Kazakhstan with restrictions linked with necessity of compliance with the regime of treatment.

For protection of their rights and legal interests, judicial protection shall be guaranteed to them, as well as legal and social assistance shall be provided.

Time of being on compulsory treatment of diseased persons in drug abuse organizations for compulsory treatment shall not interrupt labour experience and shall be counted to the general labour experience.

The right to dwelling place on previous residence place shall be preserved for diseased persons referred to compulsory treatment.

Article 3. Procedure for recognition of a person as the person with alcoholism, drug addiction and substance abuse

Recognition of a person as the person with alcoholism, drug addiction and substance abuse shall be carried out by the state public health organizations after the relevant medical certification in the manner established by the Ministry of Healthcare of the Republic of Kazakhstan.

Persons avoiding from medical certification upon resolving a question on referral to compulsory treatment shall be subject to bringing by internal affairs bodies to the drug abuse organization for compulsory examination.

In case of disagreement of a person with his (her) recognition as the person with alcoholism, drug addiction and substance abuse, such decision may be appealed to superior managing body of public health service or in court.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13.

Article 4. Grounds for referral to compulsory treatment in drug abuse organizations for compulsory treatment

Execution of persons with alcoholism, drug addiction or substance abuse for compulsory treatment shall be carried out by the state public health organizations at the initiative of relatives of diseased person, labour collectives, public organizations, internal affairs bodies, prosecutor's office, trusteeship and guardianship only in existence of medical opinions.

Execution for compulsory treatment of diseased persons that do not have permanent residence place shall be carried out by internal affairs bodies at the place of location at the moment of initiation of petition.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13.

Article 5. Procedure for referral to compulsory treatment in drug abuse organizations for compulsory treatment

The question on referral in drug abuse organizations for compulsory treatment shall be considered by court at the place of residence of diseased person within the term not more than ten days from the date of receipt of materials, on open court with his (her) participation, as well as representatives of bodies of health care service and internal affairs bodies, relatives of diseased person, representatives of labour collectives, public associations.

Term of being in drug abuse organizations for compulsory treatment shall not exceed two years, and in case of repeated referral – three years.

Referral of a person in drug abuse organizations for compulsory treatment shall not be considered as repeated if no less than three years passed from the date of its ending.

In case of avoidance of diseased person from appearance in court session in respect of whom the petition on referral to compulsory treatment in drug abuse organization is initiated, he (she) shall be subject to bringing by internal affairs bodies.

Time of compulsory hospitalizing for examination shall be counted to the period of compulsory treatment in drug abuse organization for compulsory treatment.

Referral in drug abuse organizations for compulsory treatment shall not be applied to minor children, pregnant women, women having children at the age up to 8 years not deprived of parental rights in established manner, disabled persons of the groups I and II, as well as those having medical alerts the list of which shall be approved by the Government of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6. Organization of treatment in drug abuse organizations for compulsory treatment

Procedure for treatment of diseased persons referred to compulsory treatment in drug abuse organizations for compulsory treatment shall be regulated by the Provision on drug abuse organization for compulsory treatment approved by the authorized body in the field of public health service.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6-1. Rules of behavior and conditions of placing persons with alcoholism, drug addiction and substance abuse in drug abuse organization for compulsory treatment

1. Conditions ensuring performance of medical prescriptions by persons with alcoholism, drug addiction and substance abuse, their permanent supervision and excluding the possibility of their willful leaving shall be established in drug abuse organization for compulsory treatment.

2. Leaving of persons with alcoholism, drug addiction and substance abuse from the territory of drug abuse organization for compulsory treatment shall be permitted only for undergoing medical diagnostic, rehabilitating events and carrying out of labour activity accompanied by medical personnel, security servants or representatives of drug abuse organization for compulsory treatment.

3. Persons with alcoholism, drug addiction and substance abuse shall be ensured by necessary material and living conditions, they shall be provided by individual sleeping accommodation and bedding. They shall be provided by seasonable clothes, underwear and footwear in recognition of gender and climat conditions.

Food standards and material and living ensuring of persons with alcoholism, drug addiction and substance abuse shall be established by the authorized body in the field of health care service in coordination with central authorized body on budget planning. Persons suffering from diseased of alimentary organs shall be ensured by dietic food.

4. Persons with alcoholism, drug addiction and substance abuse being on compulsory treatment in drug abuse organization shall not be permitted to have money and things prohibited for keeping, the list of which shall be determined by the authorized body in the field of public health service. Withdrawn money and things prohibited for keeping shall be returned to relatives, and upon their absence shall be delivered to the storage room of drug abuse organization for compulsory treatment where shall be stored until their release.

5. Conditions of maintenance of persons with alcoholism, drug addiction and substance abuse in drug abuse organization for compulsory treatment shall be established by the internal regulations approved by the authorized body in the field of health care service.

6. Persons with alcoholism, drug addiction and substance abuse being on compulsory treatment in drug abuse organization violating the rules of internal regulation or avoiding from the treatment shall be placed in special room, if their actions threaten life and health of surrounding persons or directly himself (herself). Placement to the special room shall be carried out upon written direction of a head of drug abuse organization for compulsory treatment for the term up to ten days with notification of prosecutor within twenty four hours from the date of placement of the person. In case of absence of a head in the workplace, decision on placement to the special room shall be adopted by a senior servant of drug abuse organization for compulsory treatment with a following report to the head that shall determine the terms of maintenance in special room by written direction.

7. Willful leave of persons with alcoholism, drug addiction and substance abuse from the drug abuse organization for compulsory treatment, and equally non-arrival at organization by established term is avoidance from the treatment and shall entail responsibility in accordance with the Laws of the Republic of Kazakhstan. Their bringing for compulsory treatment shall be carried out by internal affairs bodies of the Republic of Kazakhstan on the basis of decree of court.

Period of willful absence of persons with alcoholism, drug addiction and substance abuse in the abuse organization for compulsory treatment shall not be counted to the term of treatment.

Footnote. The Law is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by the Law of the Republic of Kazakhstan dated 29.09.2014 No. 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication).

Article 6-2. Medical sanitary service of persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in drug abuse organization

Medical sanitary service of persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in the drug abuse organization shall be carried out in accordance with the legislation of the Republic of Kazakhstan in the field of health care service.

Footnote. Article is supplemented by Article 6-2 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6-3. Organization of labour activity of persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in a drug abuse organization

Persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in the drug abuse organization shall be provided by work at their will, and the force of labour legislation of the Republic of Kazakhstan shall apply to them.

Footnote. Article is supplemented by Article 6-3 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 6-4. Rights and obligations of persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in a drug abuse organization

1. Persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in a drug abuse organization shall have all the rights and freedoms of citizens provided by the Constitution of the Republic of Kazakhstan.

Restriction of carrying out the rights and freedoms of persons with alcoholism, drug addiction and substance abuse begin under compulsory treatment in a drug abuse organization is acceptable only in cases provided by the Laws of the Republic of Kazakhstan.

2. Persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in a drug abuse organization shall have the right to:

- 1) familiarization with the internal regulations of drug abuse organization for compulsory treatment and other documents regulating the procedure for staying in this institution;
- 2) receipt food, material and living and medical service;
- 3) employment in accordance with the labour legislation of the Republic of Kazakhstan;
- 4) acquire food products and prime necessities, as well as other things not prohibited for keeping and use in the territory of drug abuse organization for compulsory treatment at the expense of the funds being on a personal separate account;
- 5) have appointments with relatives in the manner determined by the internal regulations;
- 6) carry on correspondence without restriction;
- 7) receive packages, sent and receive parcels in the manner determined by the internal regulations;
- 8) receive money transfers that shall be credited to their separate account;
- 9) receive short-term rest with a term up to ten days in case of successful treatment;
- 10) perform religious ceremonies upon condition of compliance with the internal regulations and rights of other persons contained in a drug abuse organization for compulsory treatment;
- 11) daily walk;

12) lay complaints against the actions (omission) of servants of organizations to the authorized body in the field of health care service, bodies of prosecutor's office, court.

3. Persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in a drug abuse organization shall be obliged to:

- 1) comply with the established internal regulations;
- 2) perform legal requirements of administration of drug abuse organization for compulsory treatment and medical personnel;
- 3) accept prescription of treatment;
- 4) treat with due care to the property of organization;
- 5) maintain cleanness and order in the drug abuse organization for compulsory treatment, as well as carry out cleaning of its territory no more than two hours per week;
- 6) practice personal hygiene.

4. For commission of infractions and (or) infliction of material damage, the persons with alcoholism, drug addiction and substance abuse being under compulsory treatment in the drug abuse organization shall bear responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 6-4 in accordance with the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 7. Grounds and procedure for termination of compulsory treatment of persons with alcoholism, drug addiction and substance abuse

1. Persons with alcoholism, drug addiction and substance abuse shall be released from drug abuse organizations for compulsory treatment:

- 1) upon expiry of the term of compulsory treatment determined by court;
- 2) under the decree of court due to detection of concurrent serious diseases impeding conduct of compulsory treatment;
- 3) in advance due to successful treatment but no earlier than six months under the decree of court.

In case of avoidance from treatment of the persons with alcoholism, drug addiction and substance abuse being in the drug abuse organization for compulsory treatment, the term of staying may be prolonged under the court decision on the basis of applying of administration of the drug abuse organization based on medical opinion, but no more than one year. By this, time of staying in the drug abuse organization shall not exceed two years.

2. Documents, money and things withdrawn and stored in a storage room of drug abuse organization shall be returned to the persons released from the drug abuse organization for compulsory treatment.

Note about labour activity shall be made in a labour book in the period of staying in the drug abuse organization for compulsory treatment, and in the absence of the labour book, the certificate shall be issued.

3. Administration of organization shall inform local executive body about the persons released from the drug abuse organization for compulsory treatment at the place of residence for rendering of assistance in a living conditions and employment and health care organization at the place of residence for ensuring of supervision.

Footnote. Article 7 is in the wording of the Law of the Republic of Kazakhstan dated 29.12.2010 No. 375-IV (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 8. Recording and supportive treatment

Persons subjected to compulsory treatment from alcoholism, drug addiction and substance abuse shall be obliged to be registered in the drug abuse organizations at the place of residence and undergo supportive treatment in there after release from the drug abuse organizations for compulsory treatment, except of those released under the decree of court as those cured in advance in the manner established by the Ministry of healthcare of the Republic of Kazakhstan.

In case of avoidance from recording and undergoing supportive treatment, the persons may be subjected to compulsory bringing by internal affairs bodies.

Footnote. Article as amended by the Laws of the Republic of Kazakhstan dated 20.12.2004 No. 13; dated 27.04.2012 No. 15-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 9. Employment and living conditions of persons released from the drug abuse organizations for compulsory treatment

Employment and living conditions of persons released from the drug abuse organizations for compulsory treatment shall be carried out at the place of residence and imposed on local executive bodies of districts (cities of oblast significance), city of republican significance, the capital.

Footnote. Article 9 is in the wording of the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13.

Article 10. Supervision of compliance with legality in the drug abuse organizations for compulsory treatment

Supervision of compliance with legality in the drug abuse organizations for compulsory treatment shall be carried out by bodies of prosecutor's office of the Republic of Kazakhstan.

Footnote. Article 3 as amended by the Law of the Republic of Kazakhstan dated 20 December 2004 No. 13.

Article 10-1. National preventive mechanism

1. National preventive mechanism shall operate in the form of system of preventing tortures and other cruel, inhuman types of treatment and punishment, as well as those degrading dignity, functioning in virtue of the activity of participants of the national preventive mechanism.

2. Within the activity, participants of the national preventive mechanism shall visit drug abuse organizations for compulsory treatment and other organizations determined by the Laws of the Republic of Kazakhstan for visiting by these participants (hereinafter – preventive visits).

3. Participants of the national preventive mechanism are the Commissioner for human rights, as well as members of public supervisory commissions and public associations selected by the Coordination Council carrying out the activity on protection of rights, legal interests of citizens, lawyers, social employees, doctors.

4. Commissioner for human rights shall coordinate the activity of participants of the national preventive mechanism, take measures for ensuring of necessary potential and professional knowledge of participants of the national preventive mechanism in accordance with the legislation of the Republic of Kazakhstan.

5. Compensation of expenses of participants of the national preventive mechanism on preventive visits shall be carried out from the budget funds in the manner determined by the Government of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 10-1 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-2. Coordination Council

1. For the purpose of ensuring effective coordination of the activity of the national preventive mechanism, the Coordination Council shall be established under the Commissioner for human rights.

Members of Coordination Council with the exception of the Commissioner for human rights shall be elected by a commission established by the Commissioner for human rights from among the citizens of the Republic of Kazakhstan.

2. Commissioner for human rights shall approve:

provision on Coordination Council under the Commissioner for human rights;
procedure for selection of participants of the national preventive mechanism;

procedure for formation of groups from participants of the national preventive mechanism for preventive visits;

methodical recommendations on preventive visits;

procedure for preparation of annual consolidated report regarding the results of preventive visits.

3. Coordination Council shall coordinate with Subcommittee on prevention of tortures and other cruel, inhuman types of treatment and punishment, as well as whose degrading dignity of the Committee against Tortures of the United Nations Organization.

Footnote. The Law is supplemented by Article 10-2 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-3. Requirements to participants of the national preventive mechanism

1. Participants of the national preventive mechanism may not be the following persons:

1) having outstanding or unexpunged conviction in the manner established by the Law;

2) suspected or accused persons in commission of crime;

3) recognized incapable or partially capable by the court;

4) judges, attorneys for the defence, state servants and military servants, as well as employees of law enforcement and special state bodies;

5) registered at a psychiatrist and (or) narcologist.

2. Participants of the national preventive mechanism may not be the persons released from criminal responsibility on non-rehabilitating grounds for commission of intended crime; dismissed from the state or military service, from law enforcement and special state bodies, courts or excluded from the bar association on negative motives; deprived of a license for engagement in advocacy activity.

Footnote. The Law is supplemented by Article 10-3 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-4. Rights of participant of the national preventive mechanism

1. Participant of the national preventive mechanism shall have the right to:

1) receive information on number of persons maintained in organizations being subject to preventive visit, quantity of such organizations and their location;

2) have an access to information concerning treatment with persons maintained in organizations being subject to preventive visit, as well as conditions of their maintenance;

3) carry out preventive visits in established manner in a composition of formed groups;

4) conduct conversations with persons maintained in organizations being subject to preventive visits, and (or) with their legal representatives without witnesses in person or

through an interpreter upon necessity, as well as with any other person that in opinion of a participant of the national preventive mechanism may provide the relevant information;

5) choose and visit organizations being subject to preventive visit without encumbrance;

6) accept reports and complaints on applying tortures and other cruel, inhuman types of treatment and punishment or those degrading dignity.

2. Participant of the national preventive mechanism is an independent upon carrying out legal activity.

Footnote. The Law is supplemented by Article 10-4 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 105. Obligations of participants of the national preventive mechanism

1. Upon fulfillment of own powers, participants of the national preventive mechanism shall be obliged to comply with the legislation of the Republic of Kazakhstan.

2. Interference of participants of the national preventive mechanism to the activity of organizations being subject to preventive visit shall not be allowed.

3. In existence of circumstances raising doubts in impartiality of a participant of the national preventive mechanism included to the group on preventive visit, he (she) shall be obliged to refuse from participation in preventive visit.

4. Participants of the national preventive mechanism shall be obliged to register accepted reports and complaints on applying tortures and other cruel, inhuman types of treatment and punishment, as well as those degrading dignity in the manner determined by the Commissioner for human rights.

Accepted reports and complaints shall be transferred for consideration of the Commissioner for human rights in the manner provided by the legislation of the Republic of Kazakhstan.

Information on accepted and transferred reports and complaints shall be included to the report based on the results of preventive visits.

5. Participants of the national preventive mechanism that violated provisions of this Law shall bear responsibility established by the Laws of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 10-5 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-6. Termination of powers of a participant of the national preventive mechanism

Powers of a participant of the national preventive mechanism shall be terminated upon:

1) violation of provisions of this Law;

- 2) written application on resignation;
- 3) his (her) death or entering of court decision into legal force on declaring him (her) as diseased;
- 4) departure beyond the boundaries of the Republic of Kazakhstan for permanent residence;
- 5) loss of citizenship of the Republic of Kazakhstan;
- 6) entering of condemnatory court verdict into legal force;
- 7) occurrence of other cases provided by the Laws of the Republic of Kazakhstan.

Footnote. The Law is supplemented by Article 10-6 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-7. Types and periodicity of preventive visits

1. Preventive visits of participants of the national preventive mechanism shall be divided into:

- 1) periodical preventive visits conducted on a regular basis no less than once every four years;
- 2) midterm preventive visits conducted in the period between periodical preventive visits for the purpose of monitoring of realization of recommendations based on the results of previous periodical preventive visit, as well as preventive of pursuing the persons with whom the participants of the national preventive mechanism conducted conversations from the side of administration of organizations being subject to preventive visit;
- 3) special preventive visits conducted on the basis of received reports on applying tortures and other cruel, inhuman types of treatment and punishment, as well as those degrading dignity.

2. Coordination Council shall determine terms and list of organizations being subject to preventive visits within the allocated budget funds.

Footnote. The Law is supplemented by Article 10-7 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-8. Procedure for preventive visits

1. Preventive visits shall be conducted in groups formed by the Coordination Council from the participants of the national preventive mechanism in accordance with the rules approved by the Government of the Republic of Kazakhstan in coordination with the Commissioner for human rights.

2. Upon formation of groups for preventive visits, no one from among the participants of the national preventive mechanism may be subject to any discrimination based on origin,

social, official and property position, gender, race, nationality, language, attitude to religion, convictions, residence places or any other circumstances.

3. Safety ensuring of participants of the national preventive mechanism shall be imposed on administration of organizations being subject to preventive visit. In case of illegal actions of participants of the national preventive mechanism, a head of administration of the organizations being subject to preventive visit shall inform the Commissioner for human rights in written.

4. Based on the results of each preventive visit, the written report shall be drawn up in the name of group in the form approved by the Coordination Council that shall be signed by all the members of the group that carried out preventive visit. Member of the group having special opinion shall draw it up in written and annex to the report.

Footnote. The Law is supplemented by Article 10-8 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-9. Annual consolidated report of participants of the national preventive mechanism

1. Coordination council shall prepare annual consolidated report of participants of the national preventive mechanism in recognition of their reports based on the results of preventive visits.

2. Annual consolidated report of participants of the national preventive mechanism shall also include:

recommendations to authorized state bodies on improvement of conditions of treatment with persons maintained in organizations being subject to preventive visit and prevention of tortures and other cruel, inhuman types of treatment and punishment, as well as those degrading dignity;

proposals on improvement of the legislation of the Republic of Kazakhstan.

Annual consolidated report of participants of the national preventive mechanism shall be annexed by financial report on preventive visits for the previous year.

3. Annual consolidated report of participants of the national preventive mechanism shall be directed for consideration by the authorized state bodies and placed on a website of the Commissioner for human rights within the term no later than one month from the date of its approval by the Coordination Council.

Footnote. The Law is supplemented by Article 10-9 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-10. Confidentiality

1. Participants of the national preventive mechanism shall not have the right to divulgate details on private life of a person became known to them in the course of preventive visits without the agreement of the person.

2. Divulcation of details on private life of a person became known to them in the course of preventive visits by participants of the national preventive mechanism without the agreement of the person shall entail responsibility by the Laws of the Republic of Kazakhstan

Footnote. The Law is supplemented by Article 10-10 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 10-11. Interaction of authorized state bodies with participants of the national preventive mechanism

1. State bodies and their civil servants shall render assistance to participants of the national preventive mechanism in carrying out the legal activity by them.

None of the state bodies or civil servants shall not have the right to restrict the rights and freedoms of citizens for informing participants of the national preventive mechanism on the facts of applying tortures and other cruel, inhuman types of treatment and punishment, as well as those degrading dignity.

Civil servants impeding legal activity of participants of the national preventive mechanism shall bear responsibility established by the Laws of the Republic of Kazakhstan.

2. Authorized state bodies shall inform the Commissioner for human rights on measures taken based on results of considering the received reports within three months from the date of receipt of annual consolidated report of participants of the national preventive mechanism in written form.

3. On the basis of reports of participants of the national preventive mechanism based on the results of preventive visits, the Commissioner for human rights shall have the right to apply to authorized state bodies or civil servants with a petition on initiation of disciplinary or administrative proceeding or criminal case in respect of a civil servant that violated the rights and freedoms of a person and citizen in the manner established by the Law.

Footnote. The Law is supplemented by Article 10-11 in accordance with the Law of the Republic of Kazakhstan dated 02.07.2013 No. 111-V (shall be enforced upon expiry of ten calendar days after its first official publication).

Article 11. Procedure for entering of this Law into legal force

This Law enters into legal force from the date of publication.

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